

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

RODNEY GONZALEZ,

Plaintiff,

-against-

THE LONG ISLAND RAIL ROAD COMPANY,

Defendant.

Docket No.:08-CV-3568
(SW)(DF)

ANSWER

:

:

-----X

Plaintiff, THE LONG ISLAND RAIL ROAD COMPANY ("LIRR"), by its attorney,
MARK D. HOFFER, ESQ., answering the complaint of plaintiff, alleges upon information and
belief:

1. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraphs "1", "5", and "6" and refers all questions of law to this Court
for its determination.

2. Denies the allegations contained in paragraphs "7", "8", "9", and "10" of the
plaintiff's complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

3. Any injuries suffered by plaintiff were caused solely by her own negligence and
not by any negligence of the answering defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

4. Any injuries suffered by plaintiff were caused, in part, by her own negligence, and
any recovery by plaintiff must be diminished in proportion to that part of her injuries attributable
to her own negligence.

AS AN FOR A THIRD AFFIRMATIVE DEFENSE

5. Any injuries suffered by plaintiff were not caused by a negligent act or omission of the answering defendant or any individual acting under its direction or control.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

6. Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

WHEREFORE, defendant demands judgment of this court dismissing the action in its entirety, plus the costs and disbursements of the action.

Dated: Jamaica, NY
May 14, 2008

MARK D. HOFFER, ESQ.
*Acting Vice President/General Counsel &
Secretary*
Attorney for Defendant

By: 

Sean P. Constable (SC3472)

LIRR Law Department - 1143
Jamaica Station
Jamaica, New York 11435-4380
(718) 558-7760
(File No. JN6390/L05/003293)

TO: SABLE & GOLD,
Attorneys for Plaintiff
450 Seventh Avenue, Suite 1608
New York, NY 10123